

Serial No.: 10/808,309

REMARKS

Claims 1 - 22 are pending, with claims 1, 2 and 8 - 16 having been withdrawn from consideration as being drawn to a non-elected invention, with claims 3 - 7 having been amended above, and with claims 19 - 22 having been added. Claims 17 and 18 have been allowed.

Claims 3 - 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Mitsui (3,889,662). Claims 3 - 5 have been amended above so as to patentably distinguish over Mitsui, and thus reconsideration of this rejection is respectfully requested. **With regard to Claims 3 and 4**, the last two lines of each claim now require: "a center line of the illumination field and a center line of the observation field are directed in substantially the same direction". Support for this limitation can be found in Fig. 13 of the drawings as filed. Furthermore, the specification at page 17 has been amended above so as to provide antecedence in the specification for that which is now claimed. **With regard to method claim 5**, claim 5 has been amended above and now requires: "illuminating an object placed in contact with a distal end of the observation unit so that a light source that does not directly illuminate an observation field of view illuminates an area of tissue outside the observation field of view, said area of tissue scatters light from the light source so as to illuminate the observation field of view; and observing an image of the observation field of view by the observation unit such that the absolute value of the image scale factor is larger than 1." Support for this limitation lies in Fig. 13 of the drawings as filed and at page 6, line 21, of the specification as filed. Furthermore, the paragraph at page 18, lines 14 - 21 has been amended above so as to provide antecedence in the specification for that which is now claimed.

Claims 6 and 7 stand objected to as being dependent on a rejected claim, but otherwise allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In view of claims 6 and 7 having been amended above so as to be written in independent form and to include all the limitations of the base claim and any intervening claims, it is respectfully requested that the objection to claims 6 and 7 be reconsidered and withdrawn.

New claims 19 - 22 have been added.

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Having amended claims 3 - 5 so that each claim is no longer anticipated by Mitsui, having pointed out where the support lies in the original disclosure for these changes, having amended the specification so as to provide antecedence in the specification for that which is now claimed, having amended claims 6 and 7 so as to be written in independent form, and having added new claims 19 - 22, it is requested that claims 19 - 22 be examined on the merits and that the objections and rejections made in the last Office Action be reconsidered and withdrawn.

Attached hereto is a Petition for Extension of Time under 37 CFR 1.136(a), and a Fee Transmittal authorization to cover the fee (\$900.00) for four additional independent claims and two claims in excess of 20 total. If any additional fee is required, please charge it to the undersigned's Deposit Account No. 01-2509.

Respectfully submitted,

ARNOLD INTERNATIONAL

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Attachments: Petition for Extension of Time under 37 CFR 1.136(a)
Fee payment authorization